

In particular, claims 1 and 2 have been amended to delete the term "equivalent" and to specifically recite "fully complementary." In addition, claims 5 and 8 have been amended to recite that the probe or primer is fully complementary to at least a segment of five contiguous monomers. Corresponding amendments have also been made to claims 17 and 20.

The sequence recited in claim 2 further defines the sequence recited in claim 1. In particular, claim 1 recites that the nucleic acid fragment comprises nucleotides 1232-1825 of SEQ ID NO: 1. Thus, the claim is open to the inclusion of further nucleotides. Claim 2 further defines the sequence as containing nucleotides 1232-2207 of SEQ ID NO: 1. Thus, in addition to the region recited in claim 1, the fragment of claim 2 includes a sequence identical, fully complementary or antisense to nucleotides 1826-2207 of SEQ ID NO: 1, or its corresponding RNA sequence.

Furthermore, claim 11 has been amended to clearly recite that the reagent comprises both the capture probe and the detection probe. In addition, the phrase "at least partially" has been deleted from claim 11 for clarity. In particular, the claim recites that the sequence of the capture probe must be different from the sequence of the detection probe. The degree to which they are different is not specifically recited in the claim.

Claims 1-20 have been amended to clarify the invention. Therefore, the rejection under 35 U.S.C. §112, second paragraph, should be reconsidered and withdrawn.

Claims 1-20 are rejected under 35 U.S.C. §112, first paragraph. Applicants respectfully traverse the rejection.

Claims 1-20 have been amended to further define the invention. In particular, the claims no longer refer to equivalent sequences. In addition, claims 3 and 4, which recite 50% homology, have been deleted.

Claims 1-20 have been amended such that the §112, first paragraph, rejection is no longer applicable. Therefore, the rejection should be reconsidered and withdrawn.

Claims 1-9, 11 and 17 are rejected under 35 U.S.C. §102 by any of Ko et al. and Opperman et al. The claims as amended overcome this rejection. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 1, 2, 5-11 and 17 are rejected under 35 U.S.C. §102 over any one of Porteus et al. and Pentecost. Applicants respectfully traverse the rejection.

Applicants are unclear how Porteus and Pentecost anticipate claims 1, 2, 5-11 and 17. Porteus and Pentecost are cited for showing amino acid sequences that line up with portions of an amino acid sequence disclosed in the specification (SEQ ID NO: 2). However, the claims recite nucleotide sequences (SEQ ID NO: 1). A nucleotide sequence is not obvious over an amino acid sequence (see In re Bell). Therefore, Porteus and Pentecost do not provide any teaching of the claimed sequences. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

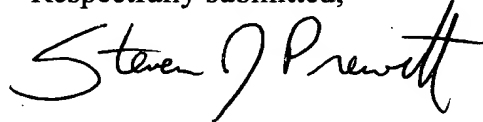
In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Favorable consideration and prompt allowance are therefore respectfully requested.

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Should the Examiner believe anything further would be necessary in order to place the application in condition for allowance, she is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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Date: October 10, 2000

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